

Message Text

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ACTION NEA-12

INFO OCT-01 EUR-25 ISO-00 NEAE-00 SCS-03 SCA-01 CIAE-00

DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04

RSC-01 PRS-01 SPC-03 SS-20 USIA-15 SY-10 DEAE-00

FBIE-00 JUSE-00 DRC-01 /127 W
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P 071403Z MAR 74

FM AMEMBASSY ANKARA

TO SECSTATE WASHDC PRIORITY 3069

INFO AMCONSUL ADANA PRIORITY

AMCONSUL ISTANBUL PRIORITY

AMCONSUL IZMIR PRIORITY

AMEMBASSY BONN

C O N F I D E N T I A L ANKARA 1717

E.O. 11652: GDS

TAGS: CASC, PFOR, TU

SUBJECT: DEVELOPMENTS IN DRAFT AMNESTY LEGISLATION

REF: (A) ANKARA 1567; (B) ANKARA 1460

SUMMARY: RPP-NSP JOINT AMNESTY BILL NOW BEING EXAMINED IN PARLIAMENT PROVIDES BASICALLY FOR 12 YEAR REDUCTION OF SENTENCES (EXCEPT IN SPECIAL CASES), BUT EXCLUDES SERIOUS NARCOTICS OFFENSES AND OTHER CRIMES. MARCH 7 PRESS REPORTS, HOWEVER, THAT SCOPE OF AMNESTY MAY BE WIDENED TO INCLUDE INTER ALIA SERIOUS NARCOTICS OFFENDERS. END SUMMARY.

1. WE HAVE OBTAINED A COPY OF THE RPP-NSP AMNESTY LEGISLATION, WHICH WAS PRESENTED TO THE NATIONAL ASSEMBLY ON MARCH 2 (REF A). THE AMNESTY APPLIES TO OFFENSES COMMITTED PRIOR TO FEBRUARY 7, 1974, AND BASICALLY PROVIDES FOR A 12 YEAR REDUCTION IN SENTENCES (SENTENCES OF LESS THAN 12 YEARS ARE PARDONED).

2. PRINCIPAL EXCEPTIONS TO THE 12-YEAR RULE ARE:

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A. DEATH SENTENCES ARE REDUCED TO 30 YEARS;
LIFE SENTENCES TO 24 YEARS.

B. SENTENCES INVOLVING CERTAIN FELONIES (E.G., ESPIONAGE,
ACCOMPLICES IN REVOLUTIONARY ACTIVITIES, ETC) ARE REDUCED TO
FIVE YEAR (SENTENCES OF LESS THAN FIVE YEARS ARE PARDONED).

C. EXCLUDED FROM ENTIRE AMNESTY ARE: SERIOUS NARCOTICS
OFFENSES (E.G., TRAFFICKING,
SMUGGLING) ALTHOUGH LESSER NARCOTICS
OFFENSES (E.G., POSSESSION) WILL BENEFIT FROM THE AMNESTY;
MAJOR TERRORIST ACTIVITIES (I.E., INCITING A REVOLT);
"SHAMEFUL CRIMES" (E.G., RAPE, CHILD-MOLESTING); OFFENSES
INVOLVING PUBLIC HEALTH AND FOOD AND DRINK CODES; ABUSE OF OFFICE
BY PUBLIC OFFICIALS; SMUGGLING; AND FUGITIVES CHARGED WITH
VIOLATING TURKISH CURRENCY LAWS.

3. THE DRAFT LEGISLATION PROVIDES FURTHER THAT THE SENTENCES
OF ALL JUVENILE OFFENDERS (UNDER AGE 18 AT THE TIME THE CRIME
WAS COMMITTED) WILL BE REDUCED BY 18 YEARS (SENTENCES OF LESS
THAN 18 YEARS ARE PARDONED). STUDENTS EXPELLED FROM UNIVERSITIES
(EXCEPT FOR MILITARY CADETS) BETWEEN SEPTEMBER 1968 AND
FEBRUARY 1974 ARE ELIGIBLE TO RE-ENTER SCHOOL. THOSE WHO
EVADED MILITARY SERVICE WILL BE PARDONED IF THEY TURN THEM-
SELVES IN WITHIN SIX MONTHS, BUT WILL STILL BE LIABLE FOR MILITARY
SERVICE. (THOSE OVER AGE 46 WILL NOT HAVE TO SERVE.)

4. ACCORDING TO THE DAILY TERCUMAN (MARCH 3), THE PROPOSED
AMNESTY WOULD RESULT IN EASING SITUATION OF 65,000 CONVICTS, WHILE
2000 TO 5000 WOULD REMAIN IN PRISON.

5. THERE NOW ARE SIGNS, HOWEVER, THAT THE SCOPE OF THE
PROPOSED AMNESTY MAY BE SIGNIFICANTLY WIDENED. QUOTING A
SPOKESMAN FOR THE RPP-NSP JOINT COMMITTEE WHICH PREPARED
THE LEGISLATION, MOST OF THE MARCH 7 PRESS REPORTS, FOR EXAMPLE,
THAT SUCH PREVIOUSLY EXCLUDED CRIMES AS RAPE, SERIOUS
NARCOTICS OFFENSES, MAJOR FOREIGN CURRENCY INFRACTIONS,
SNOGGING, ETC., WILL BE COVERED, WITH NE THIRD OF THEIR
SENTENCES BEING FORGIVEN (UP TO ONE HALF IN SOME CASES). WE
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SUSPECT THAT THE EMBASSY'S CAMPAIGN WITH INFLUENTIAL OFFICIALS,
UP TO AND INCLUDING THE PRIMIN, MAY HAVE CONTRIBUTED TO THIS
DEVELOPMENT. IT ALSO SHOULD BE NOTED THAT THREE WEST GERMAN
SPD OFFICIALS MET THIS WEEK WITH THE PRIMIN AND FONMIN TO EXPRESS
CONCERN OVER THE EXCLUSION OF CERTAIN OFFENSES. THE GROUP
INCLUDED MATTICK (DEPCHAIRMAN OF THE FOREIGN RELATIONS
COMMITTEE IN THE PARLIAMENT&(FELLERMEIER (ALSO AN MP),
AND DINGELS (A PARTY OFFICIAL FROM BONN). MOREOVER,

ON MARCH 6, PROFESSOR FARUK EREM, SPEAKING IN HIS CAPACITY AS PRESIDENT OF THE UNION OF BAR ASSOCIATION OF TURKEY, POINTEDLY ANNOUNCED TO THE PRESS THAT THE POLICY OF EXCLUDING THIS OR THAT CRIME FROM THE AMNESTY WAS DISCRIMINATORY AND WOULD VIOLATE THE PRINCIPLE OF EQUALITY UNDER THE LAW; HE RECOMMENDED THAT ANOTHER LAW BE PASSED, APPLYING AN ACROSS-THE-BOARD REDUCTION IN ALL SENTENCES. (COMMENT: THIS IS CONSISTENT WITH VIEWS HE HAS PREVIOUSLY EXPRESSED TO US. SEE ANKARA 9765.) MORE SIGNIFICANTLY, PRINILTSBIT, ON MARCH 5, REPORTEDLY TOLD AN RPP JOINT GROUP THAT HE DID NOT APPROVE OF THE EXCLUSION OF CERTAIN CRIMES, AND WOULD LIKE TO SEE THE SCOPE OF THE AMNESTY EXTENDED. FINALLY, THE DOUBTLESSLY HAVE BEEN PLEAS FROM THE FAMILIES AND FRIENDS OF SOME OF THE PRISONERS NOT COVERED BY THE AMNESTY'S TERMS, ALONG WITH SUCH ACTIONS AS THE HUNGER STRIKE BY INMATES AT THE SAGMACILAR PRISON IN ISTANBUL.

6. COMMENT: IT WOULD BE PREMATURE TO CONCLUDE FROM THESE LATEST DEVELOPMENTS, ENCOURAGING AS THEY MAY BE, THAT THE AMERICAN CITIZEN NARCOTICS OFFENDERS WITH WHOM WE HAVE BEEN CONCERNED ARE NOW CERTAIN TO BE INCLUDED IN THE AMNESTY. THE BILL MUST STILL PASS THROUGH PARLIAMENT AND THERE HAS BEEN AN HISTORIC TENDENCY TO INTRODUCE RESTRICTIVE AMENDMENTS INTO LEGISLATION, RATHER THAN TO REMOVE THEM. FURTHERMORE, IF THERE WAS ANY SERIOUS MOVE TO FORGIVE A SIGNIFICANT PORTION OF THE SENTENCES METED OUT TO THE TERRORISTS WHO TRIED TO BRING DOWN THE STATE IN THE 1971-1973 PERIOD, THE OPPOSITION PARTIES (AND THE MILITARY) WOULD PROBABLY BE OPPOSED, WHICH COULD THROW THE ENTIRE AMNESTY INTO JEOPARDY. (THIS IS WHERE PROF. EREM'S PROPOSALS, HOWEVER LOGICAL, COME FACE TO FACE WITH POLITICAL REALITIES.) IN SHORT, WE RECOMMEND CAUTION IN EVALUATING THESE LATEST REPORTED DEVELOPMENTS. MACOMBER
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